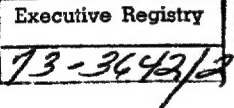


LRH
JSW
JDM
MKS

*JSW. can this be tied
into the new req on reporting
assistance to other agencies.
JN
8/6/73*

NOTE ATTACHED TO OGC 73-1409

OGC Has Reviewed



30 July 1973

MEMORANDUM FOR: Mr. W. E. Colby

SUBJECT : H.R. 8152 - Amendment to Title I of the
Omnibus Crime Control and Safe
Streets Act of 1968

1. The subject bill is a basic restatement of the authorities of the Law Enforcement Assistance Administration. On the floor of the House on 18 June 1973, Miss Holtzman offered an amendment which the House then accepted. The amendment is the underlined portion of section 508 quoted below:

The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, not including the Central Intelligence Agency, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration.

2. The Senate, on 28 June 1973, was considering a Senate version of the subject bill. Senator Kennedy offered a similar amendment which was adopted. The House and Senate versions are now in conference but with similar amendments. Undoubtedly, section 508 will be approved as amended.


3. The effect of the amendment is to deny the Law Enforcement Assistance Administration the authority to use the services, equipment, personnel and facilities of the Central Intelligence Agency. It would also appear to deny the Law Enforcement Assistance Administration the authority to cooperate with the Central Intelligence Agency in the establishment and use of services, equipment, personnel and facilities of the Law Enforcement Assistance Administration.

4. In the past the Agency has been of assistance to the Law Enforcement Assistance Administration in a number of differing ways, including making available to them the metal traces technique and the explosives detection techniques. In the future all requests from the Law Enforcement Assistance Administration will necessarily have to be examined closely in view of the Holtzman/Kennedy amendments. If there are devices or techniques which the Agency develops in the future which would appear to be of interest to the Law Enforcement Assistance Administration, it would seem possible that the Agency could either offer such equipment or knowledge to the Department of Justice or the Federal Bureau of Investigation.

5. Beyond the strict legal effect of these amendments when they become law is the practical aspect that they are a manifestation of a growing opinion among members of Congress that the Agency should not be assisting any law-enforcement agencies be they Federal, State or Municipal. These sentiments are further evidenced by the Proxmire bill, S. 1935, the companion House bill (Harrington, H.R. 8592), the Koch bill, H.R. 8432, and others. Thus, it would seem that the Agency should be most careful in its relations with all law-enforcement agencies. Such a policy would be consistent with your testimony in the confirmation hearings before Senate Armed Services Committee on 2 July 1973. It is also consistent with the former Director's views in responding to the Chairman of the Committee on Government Operations on 1 March 1973. He stated in that letter (which was inserted in the Congressional Record) a review was being undertaken and that such activities in the future would be undertaken only in the most compelling circumstances and with the Director's personal approval.

6. Any assistance that we render in the future should be in accord with law or specifically authorized by law such as assistance to the Secret Service in fulfillment of their responsibilities for the protection of the President and other designated officials. Under that law, which was approved in 1968, a requirement was placed on all Federal agencies to assist the Secret Service in the performance of its protective responsibilities when so requested by its director. We should avoid actions with all law-enforcement agencies which can be misconstrued as involving the Agency in prohibited law-enforcement or internal security functions. I would think the planned case-by-case review is the best method of determining the propriety of each situation.

STATINTL


JOHN S. WARNER
Acting General Counsel

cc: Legislative Counsel
Director of Security
IG 8/6/73
ADDO 8/6/73
DDI 8/6/73
DDM&S 8/6/73
DDS&T 8/6/73
ER
DDCI
Executive Secretary (Ben Evans)

Note: It has been called to my attention re paragraph 4 that in fact these two techniques were the subject of a letter to the Attorney General who, in turn, asked us to work directly with LEAA.

This bill was passed on 2 August 1973, signed by the President on 6 August 1973, and became P. L. 93-83. JSW 8/9/73

TO		NAME AND ADDRESS	DATE	INITIALS
1		Mr. W. E. Colby	8/4/73	<i>[Signature]</i>
2		OGC	8/6/73	<i>[Signature]</i>
3				
4				
5				
6				

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

Yes - Let us ~~make~~ ^{establish} a system ^{so} that all such cases receive a thorough review at the DD level + by OGC & DD CI or DCI

WEC

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.		DATE
OGC 7 D 01 Hqs	<i>[Box]</i>	7/30/73

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NOTE ATTACHED TO OGC 73-1409

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NO	NAME AND ADDRESS	DATE	INITIALS
1	Inspector General 2E24		
2	ADDO		
3	DDM&S		
4	DDI		
5	DDS&T		
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks:			
<p>Attached is our memorandum to Mr. Colby dealing with the amendments to the basic law which establishes the charter for the Law Enforcement Assistance Administration (LEAA). It, in effect, prohibits direct assistance to LEAA by the Agency. As you will see our memorandum suggests extreme caution in dealing with <u>any</u> law enforcement agency. Per Mr. Colby's note, this should be incorporated into the proposed procedures relating to relationships with all other governmental agencies.</p> <p style="text-align: right;">15/ John S. Warner</p>			
FOLD HERE TO RETURN TO SENDER			
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Acting General Counsel 7D01 Hqs			8/6/73
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(40)

STATOTHR

NOTE ATTACHED TO OGC 73-1409